

RECEIVED

SEP - 4 2014

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

DANA L. BROUSSARD

CIVIL ACTION NO. 13-CV-2872

VERSUS

JUDGE DOHERTY

LAFAYETTE CITY-PARISH
CONSOLIDATED GOVERNMENT

MAGISTRATE JUDGE HANNA

JUDGMENT

This matter was referred to United States Magistrate Judge Patrick Hanna for Report and Recommendation. After an independent review of the record, absent any objections filed, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own. As such, it is hereby ORDERED that the defendants' motions to dismiss pursuant to Rule 12(b)(5) and 12(b)(6) [Rec. Docs. 6-7] are GRANTED in part, and DENIED in part in the following particulars:

1. The defendants' motions are GRANTED with regard to all of Plaintiff's claims predicated upon alleged violations of the Fourth, Fifth, and/or Fourteenth Amendments. These claims are therefore DISMISSED.

2. The defendants' motions are GRANTED with regard to Plaintiff's claims under §1983 against the defendants Durel, Stanley, Craft, Domingue, Alfred, Montgomery, Head, Rees and Brown, in their *official* capacities, as well as the claims against the Lafayette City-Parish Police Department to the extent it is named as a specific defendant. These claims are DISMISSED.

3. The defendants' motions are GRANTED with regard to the claims under §1983 asserted against the defendants Durel, Stanley, Alfred, Head, Rees, and Domingue in their *individual* capacities. These claims are DISMISSED.

4. The defendants' motions are GRANTED with regard to the plaintiff's claims under Title VII of the Civil Rights Act. These claims are DISMISSED.

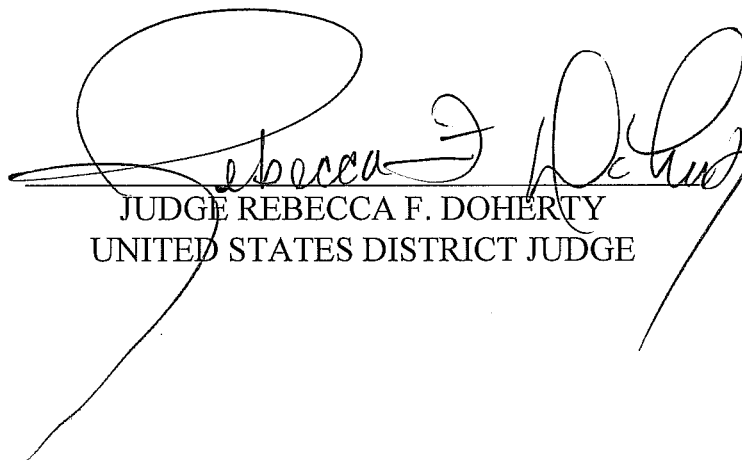
5. The defendants' motions are GRANTED with regard to the plaintiff's claims for punitive damages against the municipal defendant. These claims are DISMISSED.

6. The defendants' motions are GRANTED with regard to the plaintiff's state law tort claims, whistleblower claims and state employment discrimination claims(LEDL). These claims are DISMISSED.

7. The defendants' motions to dismiss are DENIED in all other respects.

8. The defendants' motions for sanctions and the alternative motions for summary judgment on qualified immunity are DEFERRED.

This DONE AND SIGNED on this 4 day of ^{September}~~August~~, 2014.



JUDGE REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE